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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

JOHN MITCHELL,

Plaintiff,

v.

PETE GEREN,

Acting Secretary of the Army,

Defendant.

Case No. 3:05-cv-00264-JWS

**EXHIBIT LIST IN SUPPORT OF
MOTION TO DISMISS, OR IN THE
ALTERNATIVE MOTION FOR
SUMMARY JUDGMENT**

**EXHIBIT LIST IN SUPPORT OF MOTION TO DISMISS, OR IN THE ALTERNATIVE
MOTION FOR SUMMARY JUDGMENT**

Defendant, through counsel, files the attached exhibits and exhibit list in support of the instant Memorandum in Support of its Motion to Dismiss, or in the Alternative Motion for Summary Judgment. Defendant submits the following exhibits:

Def. Ex. A. Letter John Mitchell to Ms. Martinez, January 14, 2005

Def. Ex. B. Affidavit of John Mitchell, dated December 19, 2006

Def. Ex. C. Memorandum for Record, Elizabeth Carryer

Def. Ex. D. Memorandum for Record, David A. Moore

Def. Ex. E. Memorandum-Mr. Dunn to Mr. Mitchell, February 2, 2005

Def. Ex. F. Declaration of David A. Moore

Def. Ex. G. Mitchell Affidavit, April 9, 2006

Def. Ex. H. Note from Dr. Moss, Dated February 2, 2005

Def. Ex. I. E-mail from John Mitchell to David Moore, February 5, 2005

Def. Ex. J. Notice of Proposed Removal

Def. Ex. K. Leave Letter from David Moore to John Mitchell, February 10, 2005

Def. Ex. L. Ninth Circuit Court Appeal Case, Whitman v. US

Def. Ex. M. Job Description, Emergency Action Assistant

Def. Ex. N. Conflicting Medical Note– February of 2005

Respectfully requested this 27th day of August, 2007, in Anchorage, Alaska.

NELSON P. COHEN
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s/Richard L. Pomeroy
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CERTIFICATE OF SERVICE

I hereby certify that on August 27, 2007,
a copy of the foregoing EXHIBIT LIST IN
SUPPORT OF MOTION TO DISMISS, OR
IN THE ALTERNATIVE MOTION FOR
SUMMARY JUDGMENT was served
electronically on Joe P. Josephson, Esq.

s/ Richard L. Pomeroy